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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
.09/998,799	10/31/2001	Rosa Maria Gomez	60011319-1	5959

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EXAMINER

TRAN, LY T

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 08/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,799

Applicant(s)

GOMEZ ET AL.

Examiner

Ly T TRAN

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seino et al (USPN 6,361,138) in view of Hanabusa et al. (USPN 5,459,496).

With respect to claims 1 and 10, Seino et al. discloses a method and an apparatus of determining service criteria for a print cartridge in a printer comprising:

- Receiving an indication that service is needed (Fig.6: element A, Column 3, line 66 to column 4, line 1)
- Determining a calculated age of the print cartridge (by reading the expiration date of the ink cartridge) (Fig.6: element C)
- Selecting a service procedure based on the determined calculated age (Fig.6: element F, Column 4, line 56 to column 5, line.27)

Although Seino teaches the determination of a calculated age of the ink cartridge instead of the print head as claimed, it is however known in the art the ink cartridge is an integral part of the print head as evidenced by Hanabusa (Column 1: line 30-31)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to calculate the age of the print head by calculating the age of the

ink cartridge as taught by Seino, since it is well known in the art that the ink cartridge is an integral part of the print head as taught by Hanabusa.

With respect to claims 2 and 11, Seino et al. discloses selected service procedure has an impact on the long term life of the print cartridge that is proportional to the calculated age (Column 5: line 5-39).

With respect to claims 3 and 12, Seino et al. discloses classifying the calculated age as one of a plurality phase (Column 4: line 59-62).

With respect to claims 4 and 13, Seino et al. discloses plurality of phases include at least a beginning of life phase (Column 4: line 14-1) and a maturity phase (Column 5: line 10-14).

With respect to claims 5 and 14, Seino et al. discloses plurality phases include at least a beginning of life phase, a middle of life phase and a maturity phase (Column 6: line 8-26).

With respect to claims 6 and 15, Seino et al. discloses selected service procedure for beginning of life phase has a low impact on the long term life (Fig.7: element R)

With respect to claims 7 and 16, Seino et al discloses selected service procedure for middle life phase has a moderate impact on the long term life of the print cartridge(Fig.7: element Q)

With respect to claims 8 and 17, Seino et al. discloses selected service procedure for maturity phase has a severe impact on the long-term life of the print cartridge (Fig7: element S).

With respect to claims 9 and 18, Seino et al. discloses determining the calculated age comprises utilizing at least number of previous service procedure (Column 3: line 47-49, Column 4: line 45-52).

With respect to claim 19 and 20, Seino et al discloses service procedure for the ink cartridge, it's inherently has a prolonging impact on the useful life of the print cartridge because without cleaning service, the lifetime of the cartridge is shorter.

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argument that Seino's invention does not discloses selecting a service procedure based on calculated age of the print head is not persuasive. Applicant's own disclosure and dependent claims 9 and 18 show that the age of the head is actually calculated by the volume of ink expelled or number of previous service procedure. Therefore age is equivalent to use. Refer to column 3; line 47-49, Seino discloses that the ink capacity and number of times maintenance and the degree of each maintenance have been storage in the storage, and based on these information in the storage, the suction is execute. Furthermore, Hanabusa et el teaches an integral head, so if a cartridge and the head are an integral part, then the age of the cartridge is also an age of the print head because they are in one unit. Therefore, Seino still meets the limitation of the claim.

Arguments of the references independently are not persuasive because the rejection is a combination of Seino with Hanabusa et al.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T TRAN whose telephone number is 703-308-0752. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 703-308-4896. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0967.

A handwritten signature, possibly reading "It", in cursive script.

August 1, 2003

A handwritten signature of Stephen D. Meier, featuring a large, stylized initial 'S' followed by a long, sweeping horizontal line.

Stephen D. Meier
Primary Examiner